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MISCELLANEOUS.

—601—

General Summary.

Wednesday Evening, 6 P. M.

We commence our Paper without knowing whether we shall have any News from Madras to communicate before we close it or not. We have waited all the day in hourly expectation of our regular supplies of Papers from thence—the GAZETTE, the GOVERNMENT GAZETTE, and the COURIER—but up to this hour nothing has reached us. In the event of any thing coming to hand before the hour of the Paper going to press, we shall include it in a Postscript. We need not say how vexatious this daily and repeated disappointment is to ourselves, from the Glasgow hoax up to the last Madras Express, the regular Dawn of the following day not having arrived yet. Our Readers must feel it as deeply as we do.

The publication of the Index of the Volume which closes to-day, restricts us to the issue of two Sheets for the JOURNAL, and even then our usual limits will be exceeded. We only regret that those Sheets cannot be filled with October News instead of the small portion which we are enabled to republish from the London Gazette and London Price Current, both of the 2nd of October: but we have done our best to supply its place, and hope the Reader will exercise the same patience that we have been obliged to practise.

Illegal Punishment.—We have to call the attention of our readers to a Report, in another part of our Paper, of a cause which was tried at the Hertford Assizes, on Friday the 3d of Aug. before Mr. Baron Wood and a Special Jury. That an act like that, which was the subject of this trial, should take place in England and that a Jury of English Esquires should think fifteen pounds, as stated in the Report, or even thirty pounds, a sufficient compensation for it, does, we own, even after all that has taken place of late years, surprise us not a little. We could hardly persuade ourselves for some time, that we were reading an account of an occurrence in England, Old England, the land where freedom and independence used to be prized so high.

Where even the peasant boasts his rights to scan
And learns to venerate himself as man.

We are sure that in Algiers, or in Constantinople, a master would hardly dare to treat a slave in the manner in which a wealthy and respectable occupier of two hundred acres of land (part of it his own property), appears to have treated by a Clerical Magistrate of the County of Hertford.

Mr. JOHN HALDEN, Lord of the Manor of Brent Pelham; Mr. MORRIS, the Plaintiff, and six or seven other individuals, all, with the exception of one person, respectable farmers, on the forenoon after a rook shooting, met in a public-house to divide their rooks, where they appear to have passed some hours over a little ale, without carrying the indulgence to any improper length, and without making the least noise or disturbance.—Mr. MASON, the Curate of Anstey, conceived this to be a case which called for his interference, and having made his appearance at the public-house, and summoned, without effect, the party to break up, sent for Mr. GAUSSON, a young Clergyman recently put into the Commission of the Peace, who not only presumed to order the Landlord of the house to draw no more beer, and to cause the

cellar door to be locked, but proceeded to the daring length of ordering the Plaintiff to be handcuffed and dragged to his Rectory about two miles distant, where he himself made his appearance about two hours afterwards, with the keys of the handcuffs which he had taken with him; the poor man in the mean time having his wrist swollen, and suffering the most excruciating pain from the handcuffs being too small for him, and having been unable to procure a little oil from the servants of the Defendant, who said it was as much as their places were worth to give any.

That a Magistrate, under the pretence of preventing tippling, should think of disturbing a quiet company of respectable men, is of itself a most unwarrantable interference with the liberty of the subject; but we want words to express our keen detestation of the acts of arbitrary violence with which this interference was followed. He had no authority whatever, as was observed by Mr. Baron Wood, for punishing the plaintiff as a tippler, and there could be no possible pretence for causing him to be handcuffed. Allowing that the conduct of this Magistrate proceeded from gross ignorance, and not from malice, still the question forces itself on us, how came a man so ignorant of every thing like either law or common sense, to be elevated to the Magistracy? Who could recommend him?

But what grieves us most in this case, is the light in which the outrage seems to have been viewed by a Jury of the higher orders, in which were several of his brother Magistrates. Good God! and is it come to this, that 30/- shall be considered a sufficient atonement to a respectable man for the indignity of handcuffing him like the vilest felon? Can the gentlemen of the county of Hertford think this paltry sum an atonement for a wrong of such a magnitude? Why thirty pounds is hardly the price of one of their dogs; and can they think that a respectable yeoman is deserving of no other security against the grossest indignity than what the prospect of such a penalty may afford him? What is thirty pounds to a man in the rank of life of this Magistrate.

But this comes of the outrage at Manchester. Step by step have we been proceeding since the fatal 16th, in a career, the termination of which we dread to think of. That outrage was soon followed by others, for the conviction of impunity to Magistrates, to which it necessarily gave rise, could not fail to have such an unfortunate result. That conviction is becoming every day more rooted in the minds of both Magistracy and people. We can only account for the glaring misconduct of this Magistrate by supposing that certain events have made the impression on him which they have made on so many others.

We trust, that as soon as Parliament meets, an attempt will be made to procure the removal from the Magistracy of a man, who (whether he erred from ignorance or malice) is so unfit for the discharge of its duties. The evil done cannot be undone, but the endeavour to propitiate the people, by the display of a proper sense of what is due to them, may yet do much good. A persuasion in the middle and lower classes that the higher ranks are leagued together against them, must soon be productive of the most disastrous consequences. The protection which the rich can derive from endeavouring to screen each other, must be very inferior to that which they may derive from the zealous co-operation of a whole people in the execution of laws, by which all conceive themselves to be equally protected.—*Chronicle.*

Illegal Punishment.

HERTFORD ASSIZES, FRIDAY, AUGUST 3, 1821.

(Before the Hon. Mr. Baron Wood, and a Special Jury.)

MORRIS V. GAUSSEN, CLERK.

This was an action against the Rev. Armitage Gausen, rector of the parish of Meesden, near Buntingford, a magistrate of this county, for causing the plaintiff, a respectable farmer of Anstey, to be apprehended without any reasonable or probable cause, and conveyed in iron manacles and handcuffs to the defendant's house, and for unlawfully imprisoning him for the space of four hours. The defendant pleaded the general issue—Not Guilty.

This case excited very general interest.

Mr. MARRIOTT (with whom were Mr. ANDREWS and Mr. ABRAHAM) stated the plaintiff's case as one of great hardship and oppression. The plaintiff was a respectable farmer, of established morals and reputation. The defendant was a young clergyman of the Church of England, and had recently been put into the Commission of the Peace. On the 8th of May last, the plaintiff and some of his friends, respectable and wealthy farmers, had been amusing themselves in shooting young rooks on his farm. It was agreed that the next day they should meet at the Bell public house, in the village of Anstey, to divide the fruits of their sport. They were perfectly orderly in their conduct, and were quite sober. About three o'clock in the afternoon the defendant came to the public house, and ordered the landlord not to draw any more beer. This was a matter about which the plaintiff was perfectly indifferent. The defendant then sent for a constable and charged the plaintiff in custody, and ordered handcuffs to be put upon him. The constable, not being very expert at the business, the defendant took the handcuffs and put them on the plaintiff himself; and, being fastened to a person named Wheeler, was, in that state, dragged to the defendant's rectory at Meesden, about two miles distant. At this time the plaintiff was utterly ignorant of the offence for which he was so treated. He was, however, sent to the rectory and there confined until the defendant's arrival, about two hours afterwards. The defendant had taken the key of the handcuffs with him, and in the mean time went about the neighbourhood boasting that he had got the plaintiff in handcuffs. In this ignominious state the plaintiff was kept an hour at the defendant's house, before he could be freed. His wrists being swollen with pain, arising from the handcuffs being too small, he asked for a little oil at the rectory, but the servants refused to let him have any, saying, that it was as much as their places were worth to comply. When the defendant arrived he ordered the handcuffs to be taken off; and then, without any inquiry, or information on oath, he ordered the plaintiff to pay a fine of 5s. and to find two sureties to be of good behaviour; and in default thereof, threatened to send him to the county gaol. The plaintiff, conscious of his innocence, indignantly refused to pay the money or find the sureties, until he knew what offence he had committed. The defendant, however, declined informing him with what he was charged, and at length, after four hours' confinement, and after consulting the constable (who seemed to be a better lawyer than the magistrate himself), what he ought to do, he consented to discharge the plaintiff. This was a mere outline of the case. The plaintiff was even yet ignorant of the supposed offence for which he had been so unjustly and tyrannically treated. The Learned Counsel supposed it would be said, that the plaintiff had been tippling, but even admitting he had, what law could justify such an iniquitous abuse of Magisterial authority? But the fact was not so; the plaintiff was not so; the plaintiff was perfectly sober. He had been taken up without a warrant: condemned without a hearing, and ignominiously punished for no crime. Under such circumstances, it was for the Jury to say, what damages a respectable farmer so treated, was entitled to receive at the hands even of a Special Jury, composed of some of the Magistracy of the country. In the outset of the case he should not apply those epithets to the defendant's conduct, which the circumstances of the case would seem to warrant; but he would venture to say, that never was there more ignorance or cruelty evinced by a Magistrate in these dominions, in the administration of the King's commission, under the colour of authority.

The following witnesses were then called:

Mr. Thomas Plomer Lewis, the Solicitor for the plaintiff, proved service of notice upon the defendant under the statute of Amends, of the plaintiff's intention to sue him for the grievances mentioned, in the declaration.

Cross-examined—There had been a defective notice served at first. That was abandoned, and a fresh one served.

Mr. John Halden examined—I reside at Brent Peigham, in this county. I am Lord of the Manor. On the 9th of May last I was of a party rook shooting at Anstey. Eight of us met at the Bell public

house, about ten in the morning. That was the day after we had been shooting the rooks. We met to divide the rooks. We had a pint or two of ale together. The plaintiff was of the party. We had nothing to eat. We spent about sixpence a piece. The defendant did not come until I was there. The meeting broke up about half-past twelve. All the party were respectable farmers, except one, who was a labouring man. During all the time I was there, we were perfectly orderly and peaceable,—just like brothers. There was not one of us in the slightest degree in liquor.

Mr. Joseph Baker examined—I live at Anstey. I am a farmer. I was not of the rook shooting party. I was there on Tuesday the 9th, after the rook shooting. We met at about half-past nine. We separated about half-past twelve. We were perfectly orderly, and we were all quite sober. The plaintiff has as much as 200 acres of land in the parish of Anstey. Part of it is his own, and the remainder he rents.

Martha Wheeler examined—I waited on the party at the Bell, on the 9th; they were all perfectly orderly and quiet. I remember the defendant coming there between two and three in the afternoon; he brought Mr. Mason, the Minister of the parish of Anstey. The defendant is Rector of Meesden. An Excise-man came afterwards; he was accustomed to survey the house; he took an account of the beer. The defendant locked the cellar door, and told me I was not to draw any more beer. My father kept the public house; he was not at home the whole day.

Cross-examined—The plaintiff was often at my father's house. I don't know how early he came that morning; Mr. Mason, the Minister, had been there before in the morning; I saw no incivility towards Mr. Mason; I did not hear the plaintiff say he would have some more beer; he did not say that the defendant was an old rogue and fool. I never heard the plaintiff use any abusive language towards the defendant. The plaintiff was a little fresh. The party did not hoot Mr. Mason out of the house. I had no warning that these people were drinking too much. I don't recollect saying to the defendant, that if we did not sell beer we could not pay for our license. I am sure I never heard plaintiff call the defendant a rogue or rascal.

Re-examined—I never saw any disorder in the house when the defendant came. I heard no rudeness or incivility from the plaintiff to the defendant t.

Edward Smith examined—I am labouring man; my house is opposite to the Bell, at Anstey. On Tuesday the 9th of May, I saw some gentlemen come to the Bell, public house; I saw the plaintiff there. They were all respectable persons; I have known the plaintiff for years; I remember the defendant coming about three in the afternoon; before he came there had been no noise or disturbance. When the defendant came, he called me out of my own garden to aid and assist Joseph Morris, the constable, in putting the plaintiff into the stocks. At this time the defendant was in the road with the constable; I told the defendant that I did not think the stocks were in order. Morris, the constable, is brother to the plaintiff. In answer to what I said, the defendant said he would go and fine the Churchwarden, for not keeping the stocks in order; he went himself to look at them, and on his return, said they were in order, but they had not any locks. I then went in to assist the constable.—We remained sitting there. The plaintiff wished to go home, and the defendant stood in the road and said we were not to let the plaintiff go, for that he was taken into custody. In going towards the plaintiff's house, the plaintiff said something (what it was I don't know), and defendant said he would have him handcuffed. The plaintiff said, "Don't handcuff me, Sir, I'll go anywhere with you rather than you should handcuff me!"—The defendant said, "Put them on, put them on." The constable had the handcuffs, and gave them to the defendant, and the defendant himself locked them on; he locked his right arm to Wheeler's left arm. Wheeler had been at the public house; he followed after us, and when he came he was put in my place.—I then went home, with the defendant's leave. When the handcuffs were put on, the plaintiff was about 40 rods from the public house. The handcuffs had a key. The plaintiff appeared to be sober; I can't say that he was in liquor; I cannot say that he used any improper language to the defendant.

Cross-examined—I did not hear the plaintiff abuse the defendant and call him names. I say that the plaintiff was sober.—He, of course, had something to drink in the house, being there so long.

James Wheeler examined—I was at the Bell on the day in question; I went in just as the defendant came in; he asked me if I had any beer, I said no; he spoke to the landlady, and told her to draw me one pint; I had no more. The plaintiff was fastened to my arm with the handcuffs by the defendant. I heard no ill language passing from the plaintiff to the defendant while I was there. The defendant had the key of the handcuffs in his hand, after the handcuffs were put on. That was the last I saw of it. The defendant ordered us to go to his house at Meesden; when we got there we stopt for some time before the defendant came. The distance from the Bell to Meesden is

about two miles; it is a public road. I was locked to the plaintiff, to keep him for safety. The plaintiff rode on his own horse part of the way, and I walked; then I rode the rest. It was a small poney, and I held my arm up, and so on alternately. When we got to Meesden the plaintiff's wrist was swelled very much. The handcuffs were not large enough for him. The plaintiff, when he got to Meesden, wanted the handcuffs off. We asked for a little oil at Meesden, but the defendant's servants said they dare not give it, for that their master would make a noise. We were the best part of an hour on the road, and we were not released from the handcuffs until between eight and nine o'clock. We had been handcuffed from about half-past four. The defendant, when he arrived, gave the key of the handcuffs to the constable, and he unlocked them. The defendant then told the plaintiff that he must commit him to Hertford goal for tippling. I don't know what he said afterwards; there was nobody sworn, nor did any body give any evidence; something was read out of a book to the defendant, by the constable; we all went home together about 10 o'clock; during the whole time I saw the plaintiff and defendant together, I never heard any thing like uncivil language from the plaintiff towards the defendant.

Cross-examined—I never heard the plaintiff call the defendant old rogue and fool. He was civil enough for any thing I saw or heard; when he was at Meesden the plaintiff was told he must be bound over to keep the peace; the plaintiff is to give me all I demand for coming here.

Re-examined—He has given me some money to get what I liked to drink, because my cold is bad; I have a scar on my wrist now from the handcuffs.

Mr. Thomas Wheeler—I was present at the Bell about 10 o'clock on the 9th of May; I am a shoemaker at Anstey; before the defendant came all was quiet and peaceable; there was no riot or disturbance of any kind; I was there till the defendant came; the constable came after defendant arrived; Mr. Mason came at eleven o'clock; I never heard that he was insulted; the defendant came about three o'clock; when he came, he looked round and said, "A pretty party there seems to be tippling here;" I had had about three glasses of ale at this time; there was nobody drunk; the defendant ordered the landlady not to draw any more beer; he ordered the cellar door to be locked. The exciseman then came and gauged the beer, and locked the cellar door. The girl was ordered to take care that she drew no beer; I never heard the plaintiff say an uncivil or rude word during this time; the defendant took the plaintiff into custody before the exciseman came; the plaintiff submitted directly when the constable came; the defendant appeared to be waiting until the exciseman came; I heard no ill language whatever from the plaintiff, and I was walking in the road at the time; I and my brother were charged to aid; the defendant then asked the constable for the handcuffs; the constable produced and unlocked them; upon which the defendant handcuffed the plaintiff to my brother; the defendant had the key the last time I saw it; the defendant went a different road, which was in the way to the plaintiff's house; I was at the defendant's house until the plaintiff was discharged; the plaintiff's wrist was very much swelled; the handcuffs were not large enough; it was an hour before the defendant came home; the plaintiff applied to the maid servant for a little oil to rub his wrist, but he got none, neither did he after the defendant came home; the handcuffs were unlocked when the defendant came home; the swelling on the plaintiff's wrist was very visible; we were taken into the defendant's business room; the defendant accused him, I suppose, of tippling, and told him he must pay a fine of 5s. and find security, or he would send him to prison; the plaintiff said he would do no such thing, and if he liked he might send him to prison; there was no witness examined, there was none to be examined; I went out of the room with the plaintiff once or twice, the Meesden constable, Thomas Pomfret, came out to him once, but what passed between them I don't know.

Cross-examined—Mary Wheeler, the witness examined, is my wife. The person who kept the public-house at that time does not live there now; he has lost his license; my father-in law, who then kept the house, lives in a little house of his own, and occupies a little land; the defendant sent me to the prison once; that was last February, I don't know what it was for; it was not for deserting my wife; I never deserted her; my commitment was made out before I was taken before the Justice; I was in prison eleven weeks; I never heard my wife examined as a witness against me; I don't know now what I was committed for; I never heard the constable desire the company to disperse when I was at the public-house on the morning of the 9th of May. I offered to become bound for the plaintiff, before the defendant, but the defendant would not accept me.

Re-examined—When Mr. Gaußen sent me to gaol, nobody was examined before me; my wife had been there before me; I was not asked for any defence, but sent off directly.

Mr. Thomas Stallybrass examined—I lived at Anstey in May last; I was of the party to divide the rooks on Tuesday, the 9th of May; there had been a dispute between the plaintiff and me the night preceding, and we met also to settle that; I saw the defendant at the Bell

public-house; I heard the plaintiff say to him, "I wish to ask you one favour; I know you mean to send me to Hertford goal, and I wish you would let me go down to my house to take leave of my wife and children;" the defendant told me the constable might take him down; the defendant and I then followed the plaintiff and the constable, his own brother, down the lane; the plaintiff was walking very quietly towards home; when we got half-way, the plaintiff did turn round, and said to the defendant "Who made you a Magistrate?" The defendant made no answer. The plaintiff did say that his wife was quite as capable of being a Magistrate as him, the defendant; the defendant asked the constable if he had got the handcuffs in his pocket; they were produced immediately, and the defendant bid the constable put them on; the plaintiff said, "I hope, Sir, you will not handcuff me; I'll go with you wherever you please." The defendant repeated, "Put them on," and they were put on, but I don't know who locked them; the plaintiff was fastened to James Wheeler; I then went home; I did not interfere in any manner with the defendant; I lived near the spot at the time; the plaintiff was not taken to his own house, as he desired.

Cross-examined—I went to the Bell between eight and nine o'clock in the morning; the plaintiff was there then; he had a pint of ale before him; the plaintiff made no attempt to get away when he was in custody; the plaintiff said to the defendant that his wife was three parts of a fool (he had been married to her 23 years), and that she was more capable of being a Magistrate than the defendant; when the defendant said, "Put them on," the plaintiff made something like an attempt at resistance, but there was no blow struck; I went in between them; I never said to the defendant, I wondered how he could bear such insolence; I remember saying to the defendant, "Excuse me the liberty of speaking to you—I can't levy a fine upon him: ten shillings or a pound note, and liberate the man; he has a good wife and a respectable family; I should not like him to go to Hertford gaol." He said, "I can't—I can do nothing without my books."

Mr. Manly Carr examined—I live at Anstey; I live on my fortune; I have known the plaintiff about a year and a half; I saw him next day after he had been handcuffed; his wrists were very much swelled; I saw him four days afterwards; the swelling was then abated; his wrists were not then black, but green.

Here the plaintiff's case closed.

Mr. WALFORD, with whom was Mr. ADOLPHUS, then addressed the Jury on behalf of the defendant, and opened a case of justification, on the ground—first, that the plaintiff was a tippler; and second, that he had been guilty of such contemptuous demeanour towards the defendant in the discharge of his Magisterial duties, as would warrant him in the conduct he had pursued. He referred to Burn's Justice, Hawkins' Pleas of the Crown, and Blackstone's Commentaries, in support of the latter proposition. He called the following witnesses:—

The Rev. Mr. Mason examined.—I am curate of Anstey. I know Joseph Morris, the constable of that parish. In consequence of a complaint made to me by him, I went to the Bell public-house, where I saw seven or eight persons drinking and smoking there on the 9th of May. They were very abusive. I left the house and sent the constable for the defendant, who went in company with me to the public-house. We found the plaintiff and the two Wheelers there. The defendant addressed himself to the landlady. The plaintiff was sitting on the table alone. The landlady was in the parlour. The defendant said to the latter that she was in danger of losing her license if she suffered people to tipple in the house. He then admonished the plaintiff against the course he was pursuing, and told him he would ruin himself and family. The plaintiff said he would eat and drink when he liked, in spite of any body. The defendant said he would see whether he should do so or not, for he would order the landlady not to draw any more beer. The plaintiff said he should drink what he liked, and he would have beer at all events, and no Magistrate should stop him; upon which the defendant ordered the two Wheelers to secure him, and called upon Smith, one of the plaintiff's witnesses, to assist. The plaintiff behaved very contemptuously in his general behaviour: he said, that the defendant nor any other Magistrate should prevent him from eating and drinking as long as he liked. The defendant then sent a person after the exciseman, and he came back in an hour or two to guage the beer. The plaintiff appeared to be drunk. I had admonished the plaintiff twice before for tippling.

Thomas Hitchcock, the exciseman, examined.—I was at Anstey when the plaintiff was at the Bell; I got there between four and five. I first saw the defendant and then the plaintiff handcuffed to another person; he was abusing the defendant, calling him a rogue, a rascal, a villain, and such like. He was behaving at that time very disorderly.

Cross-examined:—I was sent for by the defendant to take stock I live at Buntingford, four miles from Anstey. The person who came for me arrived about four o'clock. I arrived at Anstey about five. I walked and ran there. I was desired to go with all speed. The defendant went on with me to assist in guaging the beer. He looked on,



I did not notice whether the beer was locked up. When the plaintiff used this offensive language he was in the parlour. There was nobody else present at the time. The handcuffs were on when I first saw the plaintiff in the street.

Joseph Morris examined:—I am constable of the parish, and brother to the plaintiff. I went to the Bell on Tuesday, the 9th May. I went there first at eight o'clock; my brother was not there then. Before I went away, my brother came. In an hour afterwards I went again, to take a person named Baker into custody, in consequence of a complaint of his father that he was there tippling. I said nothing to the company. They said they were independent men, and the constable had nothing to do with them. I afterwards asked Mr. Mason how I could proceed for tippling. Mr. Mason desired me to go to the defendant's. I gave no information against any particular person in writing there. What I said was taken down in writing. I was sworn. I did not go back again to the Bell with the defendant. The defendant ordered me to take the plaintiff into custody, while I was in the road. I did not see any body else than Smith and the defendant. My brother made no attempt to escape. I saw no struggle made by him. The information I gave was taken down by the defendant in his own handwriting. [Here the information was produced and read, but it contained no charge against any body.]

Cross-examined:—Mr. Mason sent me to inquire of the defendant what could be done with persons tippling. I went to make a complaint against young Baker, and nobody else. The defendant asked me how many persons were there. He told me to do nothing, but let them alone. I then went home. The minister, Mr. Mason, came to me on the 9th of May, to desire me to go and assist the defendant. When there is any row I generally take my hand-cuffs with me. Hitchcock, the excise-man, did not come till the alehouse was suspended. The defendant insisted upon my taking the plaintiff into custody. He did not tell me for what. I took him immediately, according to the defendant's orders. I did not know what he had been doing; I took the plaintiff into the public-house, as I mostly do, and we called for a pint of beer: my brother was not drunk; I was quite sober; the defendant said "We must have him to the stocks;" my assistant, Smith, said the stocks were out of order; the defendant went to look at them, leaving my brother in my charge; soon afterwards Mr. Hitchcock came; after I had the pint of beer, the defendant said I was not to go on so; there was four of us to drink the pint of beer; the defendant said he would lock up the cellar door, and give the key to the landlady; we were accordingly locked and bolted out, and then we were walking about the road; when Hitchcock came, the door of the house was unlocked; the plaintiff was out of doors at the time the defendant and Hitchcock were in the cellar guaging; I had the plaintiff in hold all the time; I never heard the plaintiff call the defendant a rogue, a rascal, and a villain; we were bolted out at the time Hitchcock came; the plaintiff was going with me towards his home, but the defendant said he should not go; it was then the defendant said the plaintiff must be handcuffed—I unlocked them and the defendant put them on, and I was ordered to take the plaintiff to Meeden. He was handcuffed a full hour before the defendant came to us. The defendant went round to the populous part of the parish. The defendant brought the key with him. I could not unlock my brother's hand until the defendant came. My brother's wrist was very much swelled. He says he has not got rid of the pain yet. When we got to the defendant's house, he said there was to be a 5s. fine for tippling. He said the plaintiff must either pay the fine of 5s. or go to Hertford gaol, or give two security bondsmen. My brother refused to pay the penalty or give the security. I am quite sure the penalty was to be paid for tippling. The plaintiff was ordered out of the room two or three times to see whether he would pay the 5s. but he refused. At length the defendant discharged him, after my brother would not pay the fine. The defendant said he would let him go away. Nobody was sworn or examined before the defendant in support of any complaint against my brother. He never attempted to leave me, or run away.

Thomas Pomfret examined.—I am a farmer and constable at Meeden. I remember the plaintiff being brought to the defendant's house. The plaintiff was then no ways in liquor. He behaved very well. The defendant wished me to go down to his house. I had no summons to go. The defendant required the plaintiff to enter into sureties, but he refused.

Cross-examined.—The defendant called to me to go up to his house. He then had the key of the handcuffs with him. He told me he had been to Anstey. He had it on his finger as a ring. When I went to the defendant's house he was there. I never heard the defendant make any charge against the plaintiff. It was nine o'clock that night before the plaintiff was suffered to go home. I endeavoured to persuade the plaintiff to make it up; but he said he would not.

Mr. MARRYATT, in an able and powerful reply, contended that the defendant was without the shadow of defence. His conduct throughout the whole of this transaction was ignorant, illegal, unjustifiable, and tyrannical, and proved that he was wholly unfit to fill the high and important stations of a Clergyman and a Magistrate. He called upon the Ju-

ry, if they wished to preserve the Magistracy and the Clergy of the country, from utter contempt, to visit the defendant with such damages as would uphold the character of a British Court of Justice in the opinion of the world. The Learned Counsel's address was able, eloquent, and argumentative.

Mr. Baron Wood charged the Jury, that the defendant had certainly outstepped the limits of his authority. First, there was no pretence for handcuffing the plaintiff; second, he had no authority for punishing the plaintiff in the way complained of as a tippler; for supposing it to be proved that the plaintiff was a tippler, he could only have fined him 5s. 4d.; and, in default of paying that fine, he could but have set him in the stocks for four hours. Probably the excess of authority arose merely from ignorance, and without any malicious motives. The plaintiff, however, was entitled to some damages for the injury he had sustained.

The Jury, which was composed of four esquires, and eight talesmen, after deliberating for about ten minutes, found their verdict for the plaintiff—Damages, Thirty Pounds.

Reverend Mr. Gaussen.—The conduct of the Reverend Mr. Gaussen, the Hertfordshire Magistrate, who offered such a brutal indignity to a respectable Farmer, has, as was to be expected, procured him a favourable mention in the Journal which applauded the labours of JOHN BULL and which has identified itself all along with the Bridgstreet Association. This is as it should be. No other Journal, however, has had the effrontery to say any thing in defence of the conduct of this man; and we trust that when the case is brought before Parliament, as it no doubt will, if Mr. Gaussen is not beforehand removed from a situation of which he is so ill able to discharge the duties, the people of England will not be insulted by any endeavour to apologise for that for which no apology ought to be offered.

It is only in fact, by a gross perversion, both of the facts and the law of the case, that the journal in question has been able to offer even a show of defence for this Clerical Magistrate. "By divers good and ancient statutes of this realm, it is said, it hath been enacted, that persons (other than travellers or labourers at their dinner hour) who shall continue drinking or tippling in alehouses, may be set in the stocks for the space of four hours." Divers of our ancient statutes are, no doubt, absurd enough in their provisions, but there are none of them chargeable with this absurdity. The first of James I. c. 9, does, indeed, subject persons tippling in alehouses to a fine or forfeiture of 5s. 4d. and in default, to be set in the stocks four hours. No man can be set in the stocks who is able or willing to pay the fine, as this writer must have known from the observations of Mr. Baron Wood in his charge to the Jury. This law, like many others of the same description, may almost be said to be a dead letter, and the Magistrate who should presume to put it in force, would only subject himself to the charge of being a meddling, impertinent fool. In the Metropolis, at all events, he would have a hard business of it, and it is odds but among the many thousand violators of the law, he might one day catch our brother Journalist himself.

There is another statute of JAMES I., by which persons swearing or cursing shall forfeit 12d. a time to the poor of the parish, and, in default of payment, shall be set in the stocks three hours. This statute is, perhaps, more frequently violated than even the Tippling Act; and, in truth, with the exception perhaps of a few sectaries and the saints, the whole of the male part of the community at least, may be said to be occasionally liable to this penalty. Judges of the highest name have been distinguished for the volubility with which they poured out oaths. The present Lord Chancellor, and Lord Chief Justice of the Court of King's Bench, may entertain that aversion to swearing, which it was the object of the statute of JAMES to produce; but former Lord Chancellors and Lord Chief Justices have been less scrupulous. The late Lord THURLAW, for instance, is generally allowed to have been a hearty swearer. But does it follow, because his Lordship might have been put in the stocks in default of paying his fine, that a Magistrate could therefore have put him in the stocks without fining him? When his Lordship bestowed that execration on the Statute Law of England which the late Lord STANHOPE quoted in the House of Lords, what would have been thought of the latter, if he had either proceeded to put him in the stocks, or to handcuff him?

But a singular reason has been offered why we should view this indignity with indifference. "Did the writer in the MORNING CHRONICLE ever hear of PALM, the Bookseller, of Nuremberg? Is his blood cool, is his pulse temperate at the very mention of that name? If it be, how can he feel warmth at an occurrence like that of Anstey?" We have heard of PALM and Baron TRENK, and the victims of the Bastille and the Inquisition; of MUHLENFELS and JAHN, now suffering in Prussia a punishment worse than death. We have heard of the bloody day at Manchester, and of many other disgraceful outrages in all times and ages. Still, with all deference to this writer, we do not see how the having heard of these things should prevent us from feeling deep indignation at seeing a most respectable man unjustifiably subjected to a treatment reserved for the vilest of felons.—*Chronicle*.

ASIATIC DEPARTMENT.

—605—

A Bachelor's Grievances,

To the Editor of the Calcutta Journal,

SIR,

It appears to me a just subject of complaint that a human being is not permitted to please himself, when he does so without putting his friends to trouble or expence. As I claim you for a friend, I must beg to trouble you with all my grievances, which you will doubtless say are more than sufficient for any one man. It is now seven days, since I have been actually baited like a Badger, to come forward to patronize a "Bachelor's Ball" to be given by them, (or I should say to be wrested from them,) to the blooming damsels of this speculating city. Now, I am something like old Mathew Bramble, in one respect, and as much as he was horrified at the nomenclator of *Mat*, so do I most cordially detest the sound of the word *Bachelor*. I have a repugnance to speak it, quite invincible, and whether it has arisen from chance, despair or disappointment, I leave any person to guess. But as I was mentioning, this Ball is rung on my ears by day and by night; I have no peace of my life, and the reiterated requests that I will become a Subscriber, are beyond all endurance: nay, to such a height did the phrensy attain, that I was actually required to officiate as a Steward!—As Dominie Sampson remarks: "Prodigious."

You will perhaps imagine all this time, that the "dear delectable creatures" have had no share in creating these vexations miseries;—but how will you stare when I tell you that it is from them alone I have sustained the attacks? One writes me a chit to beg that "I will bustle about for ONCE in my life," forgetting how often this once has been repeated. Another says, 'Pray do, Mr. So-and-so, help us a little, otherwise it will look so strange; and I dare say ill-natured people will think it was stinginess that kept you at home.' Nay, Sir, so impudently did a rattle-brained Cousin of mine behave, that this morning at breakfast, she twitched the Hookah from my mouth, and declared she would not restore it, until I promised to subscribe to the *Ball*. My bile was stirred up with a vengeance; I lost my little stock of patience; and with a determined air, and loud voice, I absolutely refused, either to do or to suffer in such a cause.

I have been wondering for a long time, what it could be that induces these young Spinsters to tease a poor body out of all quiet and repose! I have learnt, to my inexpressible horror and regret, that it is in consequence of my being a *Bachelor*, and in point of situation what is termed an *Eligible*. This is the origin of all my misfortunes! on this account have I been assailed by so many kind enquiries, from Mothers, Aunts, Daughters, and Nieces! On this score, have so many caps been set, to catch my winged Liberty! But as I see into the affair, I shall, with your good leave, just promulgate a little information, which may be of service to many, and obviate much trouble, care, grief, and anxiety, being endured for the sake of such an obdurate piece of clay as myself!

Tis true, I am not married; but as I was some years ago neither stock nor stone, but made of flesh and blood, this together with the heat of the climate, mode of living, and other reasons, induced me, in furnishing my House, in order to save myself a world of trouble and inquietude, to appoint a person to rule and have dominion over the household, under me; but my prudence was on this point, very short-sighted, and I confess to my shame and sorrow, that I witnessed a periodical increase, which I knew not how to stop, even if I had been inclined to do so.—At this present writing, altho' only seven years have elapsed, the number of my protoges have multiplied to ten; and tho' I might in justice disagree with some of them, in thus thrusting themselves into good company before their time, yet as I was somewhat to blame myself, I have overlooked offences which I may perhaps be blamed for thinking so very venial.—However, to do the rogues justice, they afford me a fund of amusement, and tho' I do not condescend to ride pick-a-back, or hunt-the-slipper, or play at hot-cockles and the like, yet I sometimes superintend their games at *Puchees*, and occasionally give permission for their being entertained, with a Nauch, tom-toms, and strolling Monkey-lea-

des. Their Mother declares, that they look like *Chota Belayit Wallas*, they are so fair and comely!—To be sure in this instance, the Lady certainly exaggerates a little; but a parent, you know, Sir, is always partial.

After having given you thus much of my domestic history, merely in the hope and expectation of its preventing serious considerations being involved, I have only to say, that if any young Lady is desirous of changing her estate, and taking one with all the incumbrances, I have just brought in review, I shall be happy to enter into arrangements respecting their consummation; for I begin to suspect, that it had been as well, if I had given my urchins a legal title to call me (as they do) *Bap*.

Any young Lady, who may be desirous to change, will perceive, along with some trivial drawbacks, a great many solid and desirable advantages; alike capable and susceptible of improvement. The imperious yet pleasing duties of a mother, she will have the benefit of experiencing a considerable time before she probably becomes one herself; and what with watching the health, comfort, and happiness of these same ten young gentry, it is presumable that with a small degree of skill, and intuitive knowledge, she would very soon become on these points, quite *habile*.

All questions relating to their internal management, I shall leave to her judgement; I shall not interfere to damp the ardour of her zeal for their welfare, by any interruption; she may therefore order their food, raiment, duties, and amusements, as she may see fit: and what with superintending their education, attending to their morals, and bestowing upon them at her discretion, plentiful doses of birch in daily whippings, she will I dare say, at the end of a twelve month, know as well how to manage and direct a family, as if she had had one for fifty years of her life. I could enumerate many other advantages accruing from a union with me; but as they may be easily guessed when my name is mentioned, I shall forbear troubling you but with one condition, which is, that I may sit with my heels on the table, smoking my Hookah; and further, that I may do, whenever I please, just what I choose.

My acquaintance, in consequence of these habits, are rather limited therefore: I can really boast of only one or two, whom I should ever dream of thinking of taking to wife. Little *PATTY SPRIGHTLY*, is I believe a very good-tempered and affected Girl, and as far as I can see, possesses agreeable and lady-like manners. Yet she has too much spirits for me; for I once heard her say to her partner after passing down thirty couple in a Country dance, "Push on, for I do like to keep moving." Thought I to myself, Dancing down thirty couple is no joke, in warm weather.—But people may often differ and there is no accounting for a difference of taste.

Of Miss *Celia Waywood*, or *WAYWARD*, (I don't know which of the two names her's is) I know very little; but yet that little is on the favourable side. I am endeavouring, however, to discover whether she is what a very peaceable man would like to have for a Wife; whether she is of domestic and retired habits, an even and accomodating temper, not subject to wild and stormy ebullitions, &c. On the score of beauty, I have answered myself—I see she has sufficient to cause the envy of her young acquaintances; and in truth 'twas her agreeable countenance and winning smile, that first caught my attention. But I pray you, let me hear nothing of *MARIA MAYPOLE*, or Miss *DONOVAN*, more particularly of "hoaxing Ladies," or I might imagine myself taken in, and that, much to my cost—if I fancied myself wronged, why she might hoax me by endeavouring to make me suppose the thing was flatly contrary to the way it actually was.

But, Sir, really and truly, I begin to think, that "single blessedness" for many is the only happy state; as for its being assigned to belong to that of an "Old Maid," 'tis quite out of the question; but perhaps in addition to what I have expressed as above, I should be doing right to offer the following suggestions.

Imprimis,—as it is easily to be discovered that the young Ladies of this goodly City, are by no means disposed to "lead Apes in hell," and that by whatever means they may manage to effect a change it matters not; I think it due on the score of that consideration which has ever been allotted them by the Men, to

propose the means "whereby much benefit may be obtained, by those who by the caprices of fortune, beauty, talents, or chance, may be sentenced to pass their lives in virgin innocence." I should conceive (under correction,) that a Building somewhat resembling those denominated "Alms' Houses in England (as far as the difference of climate would permit) should be erected, in a snug and retired part of Calcutta; a small plot of ground should be allotted to each inhabitant, in which she might rear a few flowers, for the double purpose of affording food for the mind in employment, and in apt comparisons of the similitude of human life with the flowers and grass of the field. A Superintendent and Assistants should be chosen annually, or at such periods as might be deemed proper by the Patrons of the Institution (BACHELORS). I give you a hint that the Writer's College, and all its Establishment, is to be moved to the other side of the River, it strikes me very forcibly, that the present Writer's Buildings are admirably adapted to this use. The rules and regulations for the governance of this Institution, I am now engaged in arranging, to submit them to the Public. A Charitable Fund would probably be required, or a Tontine, or a certain number of shares in the Laudable Society, to furnish the means of providing Husbands, who might perhaps be induced to come forward more readily, when, they would have "*Portioned Maidens*" for their brides. But I assure you, that I shall be ever most ready to lend my assistance, for the bettering the condition of the Poor, and I shall give my mite accordingly. I shall most joyfully attend to any suggestions of your Correspondents, whose aid and succour, I thus fervently implore. On the score of Marriage and Celibacy, much may be said on both sides. For my own part, however, as yet at least, I would

"Rather bear the Ills I have,
Than fly to others that I know not of."

I am, dear Mr. Editor, your Friend and Servant.

Calcutta, Feb. 1822.

JONATHAN DO-LITTLE.

Imperfection of Evidence.

SIR,

To the Editor of the Calcutta Journal.

I read a letter in your Paper a few days ago (Feb. 21) on the powers of *Snake-Catchers*, and then determined that I would, at some leisure moment, endeavour to shew the writer that the phenomena of which he was an eye-witness, were totally inadequate to support his inferences.

I pass over his first paragraph:—that is from hearsay information, and not the case. My friend MEDICUS assures me that the flesh of reptiles is altogether scouted in modern European practice.

The writer's servant, then, observed a Snake-catcher in a neighbouring garden taking up the earth here and there and smelling to it: presently he began piping and drumming and reciting incantations, and in a short time a snake made its appearance. The observer then brought the man with the snake in his hand to his master.

Of this process the gentleman was not an eye-witness, but his servant related it to him. And upon this relation he has ventured to draw the following inferences: That by smelling the man traced a snake;—that by piping and drumming he attracted it;—and that by incantations with the aid of a certain root he rendered it innocuous.

But we proceed to what the gentleman himself saw. The man approached holding the snake in such a way that it was physically impossible that it should bite him; he shewed that the fangs had not been extracted; he then, muttering an incantation, describing with the aforesaid root a circle on the ground, and telling the gentleman not to be afraid, let the snake loose; it hissed angrily and approached him; it was pulled by the tail roughly and turned on him; two shining globes about the bigness of a pea were extracted from the back of its head; it was then put into an earthen pot with an incantation, and remained

quiet. From this exhibition the writer infers, that by virtue of the incantation and the root, the snake was prevented from passing the circle to bite him, or from biting the man who was within the limit; and that he has had ocular demonstration that there are people in India who possess the power of charming serpents.

These conclusions I hold to be very unadvisedly advanced on totally insufficient evidence. The Narrator did not see enough to warrant them,—if indeed, they are not of a kind beyond substantiation by ocular evidence only, which is my opinion.

It will be conceded that the existence of such power is in the highest degree improbable, because there is nothing analogous to it known in nature; and it will be allowed that the greater the improbability of any alleged fact, the greater must be the evidence necessary to confirm it. If it be alleged that a certain end was obtained by means out of the ordinary course of nature, it must be shewn before the assertion can be reasonably admitted, either that the end was worth the intervention of supernatural power, or that no other than the said means could possibly have been employed to effect it. Then, whether it be within the capacity of ones sense to make this scrutiny, or not, must depend on the nature of the case; and I shall venture to affirm that my standing unhurt within the reach of a venomous reptile was no proof that it was incapacitated by the charm of a circle described with a root, much less by the incantations which were pronounced over it.

Just to illustrate the gradations of evidence from credibility to utter incredibility, and addressing myself particularly to the Gentleman on the subject of whose Letter I am commenting,—Suppose, I had told him, that I had seen man who had travelled on foot twenty miles in a-day, there being no motive to tell a lie, he would believe me, because it is a perfectly feasible performance; but if I were to tell him that I had seen a man who had gone the same distance on foot in an hour, he would disbelieve me, even if I urged the influence of certain charms which he carried about him: he would require me to prove that the distance was correct, that I had seen the pedestrian start, and accompanied him throughout, and could certify that he had no other means than his own legs to perform it. Again, if I were to tell him that I had seen a man lying on his bed and incapable of reaching out his hand for a glass of water although dying with thirst, he would think it a pitious bodily infirmity; but if I were to say that it was entirely owing to the constraining influence of certain incantations, which were used before myself, he would not admit this inference, unless I could prove that the man was actually as impotent as he appeared to be, and that no other means than those which I saw used could possibly have been applied to make him so. The former is a case supportable by the evidence of an Eye-witness; the latter is not.

Whatever force these arguments have on the general question of evidence, comes particularly applicable to the narrative before us. The gentleman did not see the snake caught; but upon the report of his servant, a distant observer, he takes it for granted that it was really a wild snake caught on the occasion and that the smelling, piping, drumming, and muttering, were efficient preliminaries. You saw a snake in the man's hand, Sir; but are you sure that it was a wild snake then caught? No; at least you have not shewn any proof of it: until you have, I must take my position in the first step, and leave the rest of the mummery to be considered when that difficulty is settled. You saw the fangs in the animal's mouth; you stood by and it did not bite you nor the man who stood still nearer: are you sure, Sir, that the fangs were not dislocated? a very simple process, by which as offensive weapons they are rendered useless: or are you sure that the timely jerk of the tail did not withdraw him when he was approaching near enough to do it?—and with respect to the greater danger of the man, are you sure that by placing his hand over the animal's head and other movements of his body, he did not evade the intended bite? No; at least you have not shewn any proof of it; and until you have, I must pronounce your conclusions to be more than doubtful.

I ask only a few words more, for my story. I have seen, and so have many others, Natives with baskets full of snakes, exhib-

biting them wonderfully (for such reptiles) trained to obedience; I have seen them waging what appeared to be angry war with their keepers, and I have seen those keepers when not on the alert bitten by snakes, in their nature venomous, till the blood came. I have heard (not seen) from as good authority as a gentleman's servant, that snake-catchers have been detected letting loose a tamed animal, on one side of a wall, and catching it to the sound of pipe and drum on the other.

The immediate subject of these remarks is a trifle hardly worth discussing; they have been intended to shew how much a man risks by hasty inferences, drawn from imperfect data. An Eye-witness is competent to speak to appearances, but not as such to means and motives whenever such are occult and consequently incapable of being rendered the subjects of ocular demonstration.

ANTI-MARVELLOUS. East-Indian Jurors.

Sir,
To the Editor of the Calcutta Journal.

Two Answers have appeared to the Letter of AN ENQUIRER which was published in your Journal of the 9th instant, on the interesting question of the Eligibility of EAST INDIANS to perform the office of Juror in Calcutta.

The first of these answers by "AN INFORMER" appeared in the Journal of the 14th instant. It was somewhat flippant in stile, more so than perhaps the subject called for; but although the writer did not resolve the question regarding Mr. CHARLES WESTON's having sat in a Select Panel on one of the earliest and most important Trials on the Records of the Supreme Court, he supplied a fact equally useful for the ENQUIRER's purposes. If it be not too late, the information thus obtained of an East Indian Juror's having joined in one if not two Convictions last Sessions, will be made use of to bring the question formally before the Court at the Sessions now approaching; and should that attempt fail, advantage will be taken of the first similar instance which may again occur, to have the matter regularly discussed: perhaps the Sheriff will think it advisable to give the desired opportunity for settling a point of so much importance to many.

The second Answer to which I refer appeared in the Journal of the 23d instant, under the signature of "A LOOKER-ON;" and as if there were a fatality in the discussion, the production of this Respondent, while it professes like that of "THE INFORMER" to wish a favourable issue to the question, is remarkable for the same—or even more sharpness—mixed up with no inconsiderable portion of conceit and small learning.

It is quite out of place in anonymous writers to dogmatise and deal largely in "I," and "my judgement" and "the wisest of us," and "my knowledge," and "my view" and so forth; especially in a dry question of construction of Law, such as that under discussion. Particularly out of place, time, and taste, is such an unfortunate stile, when the writer has really nothing to communicate but what all the world—at least every owner of a Copy of Christian's Blackstone,—knows already. The LOOKER-ON has thrown no light on the subject. He steadily combats points which no one disputes; he shrewdly confines his Law to generals, studiously avoiding particulars; and scarcely commits himself in a single assertion—save of "his" opinions—that he does not qualify.

However plain and simple the Jury-Question may appear to this writer, he might at least recollect that it has puzzled heads as wise as "his" own, and wiser than THE ENQUIRER'S. If there had been no doubts on the construction of the various statutes which relate to the rights of EAST-INDIANS in this country, it may be presumed the Government would scarcely have thought of consulting their Law Officers on so simple a matter; nor would the Bench have differed on it; nor would the acute Individual so often quoted, Mr. Reed, have risked an expensive Appeal to England; nor would the Sheriff, and his Deputy, and the Judges, and Counsel, have all of them seemed at fault when the question was mooted by the East-Indians last Sessions, on the advice of the ablest and most independent Counsel that ever adorned the Indian Bar.

Putting aside any criticism on scraps of common-place Latin and French, it may be sufficient for the purpose of this Letter to remind the LOOKER-ON, that he begs the whole question from first to last, and confounds throughout, the main points of his own argument—if such it may be called—namely—*Legitimacy, Mixed Blood, and Place of Birth*. To him "the Law" may appear "as it stands, directly against," the East-Indian's claims, but we are consoled on the reflexion, that to the puny mind of a certain person of the name of FERGUSSON, it appears in a somewhat different point of view. If the LOOKER-ON feels so confident in his own judgment, why does he not attack and dispose of the *wretched* argument of pretender to legal acumen Mr. Reed?

But such things are more easily talked of than done, as the LOOKER-ON will find if he ventures on a tilt with the EAST-INDIAN Champion, who has not usually shewn a white feather where the rights of his fellows have been staked on the issue of battel. The truth is that the question is really one of difficulty as well as delicacy, since its solution depends on the interpretation and analogies of a series of statutes touching India, most of which were enacted at a period considerably remote, and when there were few or no EAST-INDIANS (of mature age,) in existence, to disturb, by claims or pretensions as a class, that indolence, facility, and want of fore-thought, of which even the QUARTERLY REVIEW accuses the British Legislature; an accusation but too well founded in regard to its Indian proceedings. Until Parliament shall deign to interpose and cut the knot of the present and many other doubts and difficulties relating to India, we must be content to fight our legal battle on the debateable land of the construction of existing statutes and charters;—and it is precisely because these are so *debateable*, that THE ENQUIRER was content to say the EAST-INDIANS had only an "*equitable*" right to sit as Jurors here. That they have a "*legal*" right remains to be proved, and in the opinion of many, will be established. It is not supposed, nor could it be supposed by any school-boy, that every EAST-INDIAN, or every man, has a *right* to be a Juror in England; nor is it easily conceivable how the LOOKER-ON could imagine that such an absurdity was broached. The point contended for, is that an EAST-INDIAN *duly qualified in other respects*, could not be challenged or set aside *because of his mixed blood, place of birth, or illegitimacy*.

The mysterious allusions in the LOOKER-ON's last paragraph but one, regarding the responsibility of the Sheriff, are not very intelligible. The acts to which he vaguely alludes, (*probably 4 and 5. W. and M. c. 24, together with 3 Geo. II.*) lowered the qualifications for Jurors in England; but what has this to do with the exclusion of an *East-Indian of whatever respectability and opulence* from Calcutta Juries?

The only general disqualifications in regard to Petit Jurors, known to modern practice in England, are, it is believed, referable to want of property, to sex (except in one case,) and to their being aliens, unless in a mixed Jury for the trial of a Foreigner.

The only grounds therefore on which an *East-Indian* in Calcutta can be excluded, are, either that he is an alien generally, that he is not possessed of sufficient property, or that he is a Native of India and no British Subject in the view of the statutes. Illegitimacy is no ground of disqualification whatever, either in England or India: nothing can be clearer than Blackstone's assertions on this point in the last paragraph of Book I. chapter 16.

That the Son, legitimate or illegitimate, of a British Father (whosoever his mother, or of whatsoever race or complexion,) born in a territory or Colony under the British flag, is no alien in law,—the ENQUIRER would venture to assert, as a position inexpugnable, if he had the confidence of the LOOKER-ON, in his own erudition.

The true point therefore at issue in this matter, is simply whether the Legislature did or did not contemplate that distinction between the rights and privileges of EAST-INDIANS and British-born subjects which is assumed by the recent practice of the Courts and their Officers in India, but which does not appear to have invariably prevailed in other and earlier times among us.

From the New Anchorage, Wellington-Square, February 21, 1822.

THE ENQUIRER.

—608—

Indian News.

By the arrival of the Brig INDUS, Captain Day, from Singapore and Siam, we learn that the Embassy under Mr. Crawfurd had reached the first place, and that the persons accompanying it were all well at the date of her departure, the 2d of February. One letter that we have seen mentions that the state of affairs in Siam was tranquil and highly favorable to the success of the Embassy; another mentions that the Siamese were going to war with the Birmahs, and that as to the English Mission their jealousy would oppose many obstacles to its progress. Of this we are persuaded, that whatever can be accomplished by zeal and ability, will be effected by the able individual to whom it is entrusted.

Native Ukhbars.—The Ukhbars of Dehli, from the 3d to the 10th of February 1822, give no particular News, save a detail of the occurrences of the King's Court, which are not interesting enough for insertion. They state, however, that the Resident has proceeded to Kurnaul, for some political purposes.

The Ukhbars of Gwalior to the end of January 1822, give us the interesting News of the conclusion of Peace, and the execution of a Treaty between the British Government and the Kotah Chieftain, which relinquishes a right of five annas in the rupee from the entire Revenue of the Country, to the Hon'ble the East India Company, reserving eleven annas for the Rajah.

The Ukhbars from Cabul to the end of December, 1821, report, that the Nawab Mohumud Uzeem Khan is still there. Hureurrahs from Hirah having arrived, mention the march of the Prince Ramran towards Cabul, under a promise of a Military aid from the King of Iran. Hurcarrahs from Cashmeer have brought intelligence of the rebellion of nearly 3 or 4000 Zumeendars, and of their having given battle to the Nazim, but were defeated. Surdar Dost Mohummud Khan had come to pay his respects to the Court at Cabul, but on suspicion of allegiance with Runjeet Sing of Lahore, he was confined.

The Ukhbars from the camp of Runjeet Sing up to the 22d January 1822, state it's march from Dehrey, Ghazee Khan, towards Bhawulpore, and of a Purwannah having been sent to Meer Abdoola in charge of the Magazine, directing him to attend with certain Artillery Pieces and Magazine Stores.

An exorbitant demand of an immediate payment of 1,50,000 Rupees, and of giving 4 of the best Horses, and of entering into an engagement to pay thenceforward the sum of Eleven Lacks of Rupees annually, was made through the medium of his Weekee on the Nuwab Mohummud Sadig Khan of Bhawulpore, by Runjeet Sing, with a threat, that if he refused to acquiesce in these terms, an Army would be sent against him. Eventually, however, the payment of 6 Lacks of Rupees was agreed upon for the Countries of Dehrey, Ghazee Khan, Bhawulpore, and the Territories this side the River Satledge; as also a present of four of the best Horses. The City of Dehrey, Ghazee Khan, is one of the most populous and agreeably situated places in that part of the Country. The Air is very healthy, and the interior abounds with innumerable Date Trees, and the population of the Town, consist of rich Muhajins and Doorianies.—The Camp afterwards moved to Moultan, where the rich Bankers presented the Rajah with very costly gifts. The Ukhbars from Umrusur state the arrival of Runjeet Sing's Camp at Lahore.—*Hukkru*.

Administrations to Estates.

Mr. James Duff Wilson, late of Benares, deceased—James Weir Hogg, Esq.

Mr. John Ernestus Webster, late of Calcutta, deceased—Mrs. Teresa Maria Antoinette Atkins.

Richard Blechynden, Esq. late of Calcutta, deceased—Mrs. Arthur Hesilrigge Blechynden.

Marriage.

On the 27th instant, at St. John's Cathedral, Lieut. J. AUGUSTUS SCHALCH, Deputy Assistant Quarter Master General, to MARY ANNE, eldest Daughter of JAMES MEIKL, Esq. Member of the Medical Board.

Dusty Streets and Aqueducts.

To the Editor of the Calcutta Journal.

SIR,

If you know any of your Correspondents who can tell me the use of the Aqueduct in the Durruntollah, you will gratify that curiosity so peculiar to my sex. I was led to believe it was for the purpose of watering the Street; but from the clouds of dust which hover over this, it is evidently not intended to be employed so beneficially; as it has now been finished, "God knows how long," and never used for that purpose. I must therefore conclude that it is something like the Paddington Canal to assist the large Drain; or the story of Sir Isaac Newton, who, when his cat had a kitten, cut a smaller hole in his bed-room door to admit it; or for some other equally curious or philosophical purpose.

What do you think now, Mr. Editor, I am obliged to admit Mr. O'LEARY through a small door which opens into Dingah Buangah, and which is no more to be compared to our front gate than his mud edifice in the bogs of Tipperary is to our Government House here. I should like to know of those who have been in Ireland, whether there is any dust there; for Mr. O'LEARY assures me there is not, if I may draw that conclusion from his own words which are "The Devil burn a bit of it, Honey; is it not called the Emerald Isle, and how can any part of it turn to dust while it remains green?" Now there's our neighbour, Mr. Dominie, the School Master, who is a great Arithmetician and Metaphysician too, and ought to understand these matters; he says that if every householder in the Street were to subscribe a pice per month for every rupee of rent they pay, it would be more than sufficient to inundate the Street, and save us, I forget how much a month in apothecaries' bills. You can form no idea what sums I'm obliged to pay Mr. OLLAPOD (you know Mr. OLLAPOD who lives nearly opposite us) for Soda-Water, to wash the dust down my throat; but I always take it with a little Brandy in one corner of the glass, which BARNEY, being very particular as to quantity, measures out with a fork, and says Och! by my soul it's a mighty addition to it!"

Do, good Mr. Editor, get somebody who understands the management of Water-machines to improve this hint; for BARNEY bless his soul! notwithstanding the eight pence a week paid for his education, knows no more of Hydraulics than the pigs in his father's parlour do, or else he would write you something on the subject; though he would be obliged to give up the Undertaking part of his business, at which he is so extremely busy just now he has requested me to write to you on the subject, who am, Sir,

One of the many Eye-Sufferers.

And your Obedient Servant,

Durruntollah, }
February 26, 1822, }
CATHERINE MACLEARY,

Shipping Arrivals.

Date	Name of Vessel	Flags	Commanders	From Whence	Left
Feb. 27	Indus	American	J. Day	Singapore	Feb. 3

Shipping Departures.

Date	Name of Vessel	Flags	Commanders	Destination
Feb. 3	Julia	Arab	Hussein Daood	Bhowanaghur
4	Vestal	British	J. W. Guy	Goa
6	Partridge	British	M. Bradshaw	London

Passengers.

Passengers per PARTRIDGE, from Bombay for London.—Robert Baxter, Esq. Mrs. Baxter, and two Children, Mrs. Mignan, Misses Mignan, and Sarah Mignan, Masters George Mignas, James Mignan, Henry Mignan, Misses Eliza, Richards, and Caroline Taylor, Lieutenant Colonel Robert Pitman, Captain John Low, Lieutenant William Daniell, H. M. 17th Light Dragoons, Lieutenant Owen Poole, Lieutenant Cochrane, Commanding Officer of the Troops, Lieut. Buchanan, Bengal Cavalry, Miss Wilson, Mr. Samuel Love, Assistant Surgeon in charge of Invalids, Mrs. Susannah Shepherd, Capt. J. Kirkman, for the Cape of Good Hope.

Thursday, February 28, 1822.

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London Gazette.

LONDON GAZETTE, TUESDAY, OCTOBER 2, 1821.

At the Court at Carlton-House, the 17th of September 1821.—
PRESENT.—The King's most Excellent Majesty in Council. His Majesty in Council this day declaring His intention of going out of the kingdom for a short time, was pleased to nominate the following persons to be Lords Justices for the administration of the Government during His Majesty's absence: His Royal Highness Frederick Duke of York; Charles Lord Archbishop of Canterbury; John Earl of Eldon, Lord Chancellor; Dudley Earl of Harrowby; Lord President; John Earl of Westmorland, Lord Privy Seal; James Duke of Montrose, Master of the Horse; Arthur Duke of Wellington, Master-General of the Ordnance; Charles Ingoldsby Marquis of Winchester, Groom of the stole; George James Masquis Cholmondeley, Lord Steward of His Majesty's Household; Robert Marquis of Londonderry, one of His Majesty's Principal Secretaries of State; Henry Earl Bathurst, another of His Majesty's Principal Secretaries of State; Charles Chetwynd Talbot Earl Talbot, Lieutenant-General and General Governor of that part of the United Kingdom called Ireland; Robert Banks Earl of Liverpool, First Commissioner of the Treasury; Robert Viscount Melville, First Commissioner of the Admiralty; Henry Viscount Sidmouth, another of His Majesty's Principal Secretaries of State; William Lord Maryborough, Master of the Mint; the Right Honourable Nicholas Vansittart, Chancellor of the Duchy of Lancaster; and The Right Honourable Frederick John Robinson, Treasurer of the Navy.

At the Court at Carlton House, the 17th of September, 1821, PRESENT, the King's Most Excellent Majesty in Council. It is this day ordered by His Majesty in Council, that the Parliament be prorogued from Thursday the twentieth day of this instant September to Thursday the twenty-ninth day of November next.

At the Court at Carlton-House, the 17th of September, 1821, PRESENT, the King's most excellent Majesty in Council. A new great Seal for the United Kingdom of Great Britain and Ireland, having been prepared by his Majesty's Chief Engraver of Seals, in pursuance of a warrant to him for that purpose, under His Majesty's Royal signature; and the same having been this day presented to his Majesty, and the old Great Seal being delivered up to His Majesty by the Right Honourable John Earl of Eldon, Lord High Chancellor of Great Britain, the same was defaced in His Majesty's presence; and His Majesty was therupon pleased to deliver to his Lordship the said new Seal, and to direct that the same shall be made use of for sealing all things whatever which pass the Great Seal.

C. C. GREVILLE.

Address to the King's Most Excellent Majesty. "We, your Majesty's dutiful and loyal subjects, the inhabitants and visitors of the Town of Ramsgate, and its vicinity, beg leave respectfully to approach your Majesty's most sacred Person, to testify the unsighed joy and happiness which we this day experience by your Majesty having most graciously condescended to honour us with your royal presence.

That after a prosperous voyage to your Majesty's Continental Dominions, you may shortly return to continue your reign for many years over a loyal and happy people, is our most ardent wish."

To which Address His Majesty was pleased to return the following most gracious answer:

"Gentlemen.—I receive with great satisfaction the loyal and dutiful Address of the Inhabitants, and visitors of Ramsgate, as well as the general testimony of attachment and affection from all classes of my subjects.

I am leaving my united kingdom for a short period only, and thank for your cordial expressions of good wishes for my return.

It is not my first visit to this attractive place, and I heartily hope it may not be the last."

WHITEHALL, SATURDAY, SEPTEMBER 29, 1821.

On Tuesday the 25th instant, at eleven o'clock in the forenoon, the King embarked at Ramsgate on board His Majesty's Yacht the Royal George, and set sail for Calais, where his Majesty arrived in perfect health, at four o'clock in the afternoon of that day.

Their Excellencies the Lords Justices met at the Council-Chamber, Whitehall, on Wednesday the 26th instant, and opened their commission; when they were pleased to appoint William Hamilton, Henry Goulburn, and Henry Hobhouse, Esqrs. to be their Secretaries.

CARLTON-HOUSE, TUESDAY, JULY 25, 1821.

The King was this day pleased to confer the honour of Knighthood upon Henry Askew, Esq. Major-General of his Majesty's Forces, and Companion of the Most Honourable Military Order of the Bath.

WAR-OFFICE, FRIDAY, SEPTEMBER 29, 1821.

His Majesty has been pleased to approve of the undermentioned Regiments being permitted to bear on their colours and appointments, in addition to any other badges or devices which may have heretofore been granted to those Regiments, the following words, viz.

3d (or the King's Own) Light Dragoons, Vitoria, and Toulouse, in commemoration of the conduct of that Regiment at the battle of Vitoria, on 21st June 1813; and in the attack of the position covering Toulouse, on 10th April 1814. 60th (or Royal American) Regiment of Foot, Rolica, Vimiera, Talavera, Fuentes d' Honor, Ciudad Rodrigo, Badajoz, Salamanca, Vitoria, Nivelle, Orthes, Toulouse, in commemoration of the distinguished part which the late 5th Battalion bore in the battle of Rolica, on 17th August 1808; at Vimiera, on 21st August 1808; in the battle of Talavera, on 27th and 28th July 1809; at Fuentes d' Honor, in the month of May 1811; at Ciudad Rodrigo, in the month of January 1812; at the siege of Badajoz, in March 1812; at Vitoria, on 21st June 1813; Nivelle, on 10th November 1813; at Orthes, on 27th February 1814; and in the attack of the position covering Toulouse, on 10th April 1814.

WAR-OFFICE, FRIDAY, SEPTEMBER 28, 1821.

9th Regiment of Light Dragoons, William Corbett Smith, Gent. to be Coronet, by purchase, vice Lord George Bentinck, promoted. Dated 12th September 1821.

10th Ditto, Honourable John Coventry to be Coronet, by purchase, vice Lord John Bentinck, promoted. Dated 13th September 1821.

14th Ditto, Lieutenant Maurice Cooley Trevillian from the 1st Dragoon Guards, to be Captain, by purchase, vice Townsend, promoted. Dated 13th September 1821.

19th Ditto, Edward Warner Shewell, Gent. to be Cornet, by purchase, vice De Lisle, who retires. Dated 20th September 1821.

33d Regiment of Foot, Lieutenant James Forlong to be Captain, by purchase, vice Rist, who retires. Dated 20th September 1821.

Ensign Henry Halford, from the 43d Foot, to be Lieutenant, by purchase, vice Forlong. Dated 20th September 1821.

43d Ditto, Joseph Hare, Gent. to be Ensign, by purchase, vice Halford, promoted in the 33d Foot. Dated 20th September 1821.

91st Ditto, Quartermaster John Manley, from the half-pay 36th Foot to be Quarter-master, vice James Stewart, who exchanges. Dated 20th September 1821.

92d Ditto, Quarter-Master Denis Callagy, from half-pay 15th Foot to be Quartermaster, vice Robert Bryce, who exchanges. Dated 20th September, 1821.

To be Commissaries-General.—Charles Wright, Gilbert Young, James Dickens, and Peter Turquand.—Dated 19th July, 1821.

To be Deputy Commissaries-General.—William Brown, William Lamont, Alexander Somerville, Richard Barney, Tupper Carey, John Forbes, and Peter de St. Remy.—Dated 19th July 1821.

To be Assistant-Commissaries-General.—John Bruce, John Rendall, Charles Bonomi, Edward Wood, Patrick F. Davidson, Thos. White, William Henry Priestley, Daniel Kearney, George Manvell, and Adolphus Vieth. Dated 19th July 1821.

To be Deputy Assistant-Commissaries-General.—John Bland, and Charles Howard. Dated 1st June 1821. Henry Bishop Deakin, R. Eppes, Samuel Carr, Robert Corlett, Charles Bridgen, George Adams, Henry Ashton, Joseph Hazard, Joseph Steers Browne, Thomas Davis Knight, Augustus Merton, William Stanton, James Bond Gist, James Lucas Thompson, Henry Laurie, John Richard Comper, and Charles Swain. Dated 19th July 1821.

The undermentioned Officers of the late Store-Keeper-General's Department, to be commissioned as Commissariat Officers:

To be Assistant-Commissaries-General.—George Child, William Robertson, Henry James Wild, Edward Spy, and Charles Palmer. Dated 4th May 1815. Henry John Cramer. Dated 5th May 1815. Richard Williams, Dated 13th November 1816. Henry Gilbert, Dated 9th May 1817. Thomas Alexander Somarsall, Dated 13th February 1818. John Hare. Dated 20th December 1819.

To be Assistant-Commissaries-General.—Charles Morgan, Thomas Gilbert, Dated 4th May 1815. Kenneth Cameron, Dated 4th July 1815. Louis Vanzillicom, J. Westbrook, G. F. Havens, T. P. Morter, T. Fraser, William S. Streetfield, John Kirkland, Dated 4th May 1815. John Lloyd, Dated 8th June 1815. John H. Dunn, Dated 10th June 1815. John Clements, Isaac Blackburn, and W. J. Williams, Dated 13th November 1816. John Seaman, Dated 9th May 1817. Thomas B. Parr, Amos Lister, Dated 20th December 1819.

Memorandum.—The dates of Captain Wishart's and Ensign Galloway's appointment to the 16th Foot, are as undermentioned.—Captain Wishart, dated 6th September 1821.—Ensign Galloway, dated 13th September 1821, and not as stated in the Gazette of 22nd instant.

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Commercial Reports.

LONDON NEW PRICE CURRENT, OCTOBER 2, 1821.

Indigo.—The sale commenced this morning at the India House; it consists of 3300 chests; the prices to-day are going exceedingly high, the fine 1s. the middling and ordinary 1s. 6d. per lb., higher than last sale.—Indigo has lately attracted much attention as an article of speculation, on account of the small quantity in England, about 2500 to 3000 chests more than the sale, which is all that can be expected to meet the usual demand till June next.

Cotton.—The India Company have now declared for sale—

Bengal,	bags	12962
Surat,		6931
Madras,		596
Bourbon,		233
Packing,		115

The demand for Cotton since our last has been inconsiderable: the purchases are nearly 1300 bags, viz.:—215 Demerara and Barbic, 113d. and 113d. good fair, to 123d. very good; 27 Grenada and Carricon, 93d. fair, to 104d. good, duty paid; and, in bond, 20 Sea Islands, 17d. good fair; 450 Perambuco, 123d. fair to 124d. good; 35 Madras, 73d. very good; 480 Bengal, 53d. very ordinary, and 53d. fair common.

EAST INDIA COMPANY'S SALE, SEPTEMBER 26, 1821.

Sugar—10,473 packages—	sound			damp		
	s.	d.	s.	d.	s.	d.
Bengal Dabs,	8	6	a	11	0	0
Ordinary brown,	18	0	a	18	6	15
Yellow, fine dry,	26	0	a	26	6	22
White, ordinary,	31	0	a	31	6	27
good,	36	0	a	36	6	29
Siam grey,	23	0	a	24	0	20
White, good,	31	0	a	32	0	28
fine,	40	0	a	42	6	35
Rice—17,887 bags—						
Cargo,	6	6	a	8	6	0
Bengal,	11	0	a	13	6	0
Patna,	15	0	a	16	6	0
Coffee—32 bags Cheribon, ordinary and mixed, 102s. and 105s.						

THE LONDON NEW PRICE CURRENT—EAST INDIA PRODUCE.

	£	s.	d.	£	s.	d.
Cochineal,	per lb.	0	4	6	a	0
Coffee,	per cwt.					uncertain
Cotton, Surat,	per lb.	0	0	6	a	0
Madras,		0	0	6½	a	0
Bengal,		0	0	6½	a	0
Bourbon,		0	1	1	a	0
Gum Arabic, E. I.		3	10	0	a	5
Gum Benjamin, 1st.		50	0	0	a	58
Lac Lake,		0	0	9	a	0
Opium, E. I. per lb.		(none)				
Rhubarb,	per lb.	0	1	6	a	0
Indigo, Blue,						(none)
Nankeens, Company's 7 yards,	per piece	0	4	4	a	0
Rice, White,		0	12	0	a	0
Saltpetre,	per cwt.	0	24	0	a	26
Silk, Bengal Skein,	per lb.	0	14	7	a	0
Spices,—Cinnamon per lb.—1st.		0	7	3	a	0
Cloves, 1st.		0	3	9	a	0
Mace, 2d.		0	5	3	a	0
Nutmegs,		0	3	8	a	0
Ginger,	per cwt.	0	10	6	a	0
Pepper, Company's,		0	20	0	a	22
Sugar, Yellow,	per cwt.	0	25	0	a	0
Tortoise-shell,	per lb.					

Administrations to Estates.

Sarkis Lala Beg, late of Calcutta, Merchant, deceased—John Lucas Merchant.

Mr. Lewis Francis Delanougerede, late of Calcutta, deceased—Mrs. Mary Rose Delanougerede.

New India Loan.

Particulars of a Six per Cent. Loan proposed to be opened at Bengal.

Asiatic Journal, August 1821.

The principal to be irredeemable for ten years, the Company reserving to themselves the right of purchasing at any time of creditors who may be willing to sell.

The principal to be payable in Bengal only, in the order of number and date in which the obligations shall stand in the register.

Fifteen months' notice to be given by the Company of their intention to pay off any part of the loan; if the Company intend to redeem any part of it at the expiration of ten years, notice will be given at the end of eight years and nine months from the commencement of the loan.

The interest to be payable half-yearly at the option of the Creditor, either in cash in India, or by bills of exchange to be drawn half-yearly on the Court of Directors in London, at twelve months' date, and at two shillings per sicon rupee.

Every holder of Securities of the New Loan may, at any time, alter the mode of receiving Interest, on giving to the Bengal Government three months' notice previous to the Interest becoming due.

Obligations of the existing six per cent. Loan will be received in Subscription to the New Loan, at a rate to be fixed by the Bengal Government, and Absentees who have not left powers, or or have not given instructions to their Agents to entitle them to transfer into the New Loan, will be allowed fifteen months for that purpose from the date on which the said Loan shall be opened, on the before-mentioned terms.

All Cash Subscriptions will be received at par.

The Accountant General and Sub-Treasurer at the respective Presidencies will continue to act as Agents to Loan Proprietors under the existing regulations, with such modifications as the terms of the New Loan may render necessary.

Shipping Intelligence.

The undermentioned Ships have been taken up by the Court of Directors for the ensuing Shipping season 1821-22, and have been stationed as follows:—

Ships Names	Commanders	Tons	Destination
Duchess of Atholl	E. M. Daniel	1300	Bengal and China
New ship building	W. Hunter	1300	Bengal and China
Earl of Balcarres	P. Cameron	1417	Bengal and China
Thomas Coutts	S. Majoribanks	1334	Madras and China
New ship building	K. Smith	1300	Madras and China
N. S. Berwickshire	J. Shepherd	1300	Bombay and China
Duke of York	A. H. Campbell	1327	Bombay and China
Dunira	M. H. Milton	1325	Bombay and China
Castle Huntley	H. Drummmond	1200	Bombay and China
Buckinghamshire	F. Adams	1369	Bombay and China
Thames	W. Heavside	1330	Bencoolen and China
New ship building	J. Walker	1330	St. Hel. Bombay & China
Orwell	T. Saunders	1395	St. Hel. Bombay & China
Lady Melville	J. Stewart	1200	China direct
Marquis of Huntly	D. Macleod	1200	China direct
London	J. B. Sotheby	1332	China direct
Canning	W. Patterson	1320	China direct

Death.

On the 20th of June last, at his house in Fitzroy Square, London, in the 78th year of his age, JOHN FORBES, Esq. of New Stratford, Aberdeenshire, and formerly of Bombay. To those who had the happiness of knowing Mr. Forbes, any attempt to describe his character would be superfluous and to those who knew him not, language can convey no adequate idea of the virtues which uniformly adorned his long and active life.

HIGH WATER AT CALCUTTA THIS DAY. H. M.

Morning.....	8. 33
Evening	9. 0

